

CENTER FOR DISABILITY ACCESS

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Attorneys for Defendant AVEDA EXPERIENCE CENTERS INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRIAN WHITAKER,

Plaintiff,

vs.

AVEDA EXPERIENCE CENTERS INC., a
Delaware Corporation,

Defendant.

Case No. 2:21-cv-00448-TLN-JDP

[Hon. Troy L. Nunley]

**STIPULATION TO EXTEND THE
DISCOVERY CUT-OFF DATE FOR THE
LIMITED PURPOSE OF TAKING
PLAINTIFF'S DEPOSITION;
ORDER**

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff BRIAN
2 WHITAKER (“Plaintiff”) and Defendant AVEDA EXPERIENCE CENTERS INC.
3 (“Defendant”), through their respective attorneys of record, and respectfully requested, that the
4 Court continue the non-expert discovery date of December 3, 2021 through and including
5 December 21, 2021 for the limited purpose of allowing the taking of the deposition of Plaintiff,
6 based on the following:

8 1. WHEREAS, pursuant to Section III of this Court’s Initial Pretrial Scheduling Order
9 (Docket Entry 3), non-expert discovery is required to be completed by December 3;

10 2. WHEREAS, the parties have been cooperative throughout the discovery process
11 and will complete non-expert discovery, with the exception of the deposition of Plaintiff, by
12 December 3, 2021;

13 3. WHEREAS, the parties have been cooperative in attempting to schedule the
14 deposition of Plaintiff. However, due to scheduling conflicts and challenges posed by the ongoing
15 Covid-19 pandemic, the parties have not been able to schedule Plaintiff’s deposition for a date
16 prior to December 3, 2021. However, the parties have agreed to the taking of Plaintiff’s
17 deposition on December 21, 2021, subject to the Court’s approval and extension of the non-expert
18 discovery cutoff date through and including December 21, 2021;

19 4. WHEREAS, the taking of Plaintiff’s deposition is critical to the progress of this
20 case. Without the deposition, the parties will not be in a position to discuss a potential resolution
21 of the litigation. Additionally, the absence of Plaintiff’s deposition testimony would potentially
22 impact other aspects of the litigation, including (potentially) expert discovery.

23 5. WHEREAS, in light of all the foregoing, all counsel/parties respectfully request
24 (pursuant to Rule 16(b)(4) of the *Federal Rules of Civil Procedure* and Section IX of this Court’s
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1 Initial Pretrial Scheduling Order) that the Court approve this Stipulation and extend the non-expert
2 discovery cutoff date through and including December 21, 2021 for the limited purpose of
3 allowing the taking of Plaintiff's deposition.

4 IT IS SO STIPULATED AND AGREED.

5 Dated: November 24, 2021

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7
8 By: /s/ Adrian M. Slipski

9 Adrian M. Slipski, Esq.

10 Chris Carson, Esq.

11 Raymond Ballister, Jr., Esq.

12 Dennis Price, Esq.

Attorneys for Plaintiff BRIAN WHITAKER

13 Dated: November 24, 2021

14 LITTLETON PARK JOYCE UGHETTA & KELLY
15 LLP

16 By: /s/ Keith A. Sipprelle

17 Keith A. Sipprelle

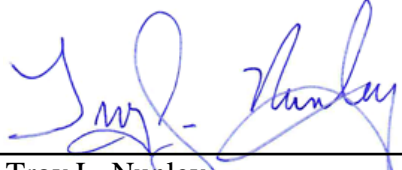
18 Attorneys for Defendant AVEDA

19 EXPERIENCE CENTERS INC.

20 **ORDER**

21 Good cause appearing, IT IS ORDERED that the non-expert discovery cutoff date in this
22 matter is extended to and through December 21, 2021 for the limited purpose of allowing the taking
23 of Plaintiff's deposition.

24
25 DATED: November 29, 2021

26 
Troy L. Nunley

27 United States District Judge